IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 19523 of 2006(Y)

PETITIONER:

C.H.NARAYANAN, SREEJA MOTORS,
SUGANDHI NILAYAM, P.O.CHIRACKAL,
KANNUR-11.

BY ADV. SRI.K.G.ANIL BABU

RESPONDENTS:

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1. **THE REGIONAL TRANSPORT AUTHORITY,**
   KANNUR, REPRESENTED BY ITS SECRETARY.

2. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY,
   KANNUR.

BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE PROCEEDINGS OF THE MEETING ON 28.12.2000 WAS ISSUED BY THE RESPONDENTS TO THE PETITIONER.

EXT.P2: COPY OF THE PROCEEDINGS OF THE R.T.A., KASARAGODE DATED 30.07.2002.

EXT.P3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 30.08.2002.

EXT.P4: COPY OF THE PERMIT LESS CERTIFICATE IN RESPECT OF THE VEHICLE KL-13-B/120 FROM THE SECRETARY, R.T.A. KASARAGODE DATED 17.1.2003.

EXT.P5: COPY OF THE PROCEEDINGS OF THE MEETING OF THE IST RESPONDENT ISSUED TO THE PETITIONER.

EXT.P6: COPY OF THE JUDGMENT IN W.A.NO.1883/03 DATED 9.3.2006.

EXT.P7: COPY OF THE ORDER OF THE S.T.A.T IN M.V.A.R.P.273/2002 DATED 22.11.2003.

EXT.P8: COPY OF THE LETTER SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS DATED 30.3.2006.

EXT.P9: COPY OF THE DECISION OF THE 1ST RESPONDENT COMMUNICATED VIDE NO.G/16211/06 DATED 28.6.2006 OF THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE

ANTONY DOMINIC,J

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W.P.(C).No.19523 of 2006

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Dated this the 7th day of September, 2007

JUDGMENT

An inter district regular permit was granted to the petitioner as per Exts.P1 and P2. However, the R.T.A. refused concurrence and eventually by Ext.P7order of the S.T.A.T concurrence was granted. In the meantime, by Ext.P5 the permit granted to the petitioner was revoked without issuing a notice to him and that was challenged before this Court by filing W.P.(C).22503/2003 which was dismissed. Against that, Writ Appeal.1883/2003 was filed which was disposed of by Ext.P6 judgment. By this judgment the Division Bench set aside Ext.P5 as it was passed without notice and directed the Regional Transport Authority take fresh decision in the matter.

2. Following Ext.P6, petitioner submitted Ext.P8 representation to the R.T.A to issue permit and requested to comply with Ext.P6 judgment of this Court. In pursuance of that R.T.A passed Ext.P9 order rejecting the petitioner's request on the ground that the route is well served and saturated and there is no scope for further permits. Against the said decision

of the R.T.A, Ext.P9, this writ petition has been filed. Counter affidavit has been filed by the respondents.

Having heard the counsel on either sides, I am satisfied that the matter requires to be reconsidered. Though the R.T.A was directed to reconsider the correctness of the revocation of the permit, that has not been done while passing Ext.P9 order. Since the matter has not been reconsidered as directed by this Court and I quash Ext.P9 and direct the first respondent to consider the matter afresh as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of copy of this judgment. The petitioner shall produce a certified copy of this judgment before the first respondent for compliance.

ANTONY DOMINIC,JUDGE

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